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4

5 **UNITED STATES DISTRICT COURT**
6 **DISTRICT OF NEVADA**

7 FLOYD WALLACE

8 Plaintiff,

9 v.

10 LAS VEGAS METROPOLITAN POLICE
11 DEPARTMENT, et al.

12 Defendants.
13 _____

) Case No.:
)

) **PLAINTIFF'S UNOPPOSED**
) **REQUEST FOR REFERRAL TO *PRO***
) ***BONO* PANEL; UNOPPOSED**
) **MOTION TO STAY PROCEEDINGS;**
) **REQUEST FOR JUDICIAL NOTICE;**

14 **INTRODUCTION**

15 I, Plaintiff Floyd Wallace moves this honorable Court to stay proceedings of this action
16 while this Court refers me to the Pro Bono Panel for assistance. I

17 This motion is made and based on the included Memorandum of Points and Authorities,
18 the included Request for Judicial Notice, the pleadings, and papers on file herein, and any oral
19 argument allowed by counsel at the time of the hearing.

20 **MEMORANDUM OF POINTS AND AUTHORITIES**

21 On May 24, 2023, I filed the civil rights complaint in this action, alleging facts
22 constituting claims for minimally, violations of my rights under the First, Fourth, and Fourteenth
23 Amendments of the United States Constitution, Monell claims due to policies and or failure to

1 train, unequal protection, assault, battery, false arrest, false imprisonment, invasion of privacy,
2 and negligence.

3 On July 17, 2023, Defendant Las Vegas Metropolitan Police Department (“LVMPD”)
4 filed a frivolous motion (“Motion”) to strike Plaintiff’s complaint (ECF No. 11). In that Motion,
5 LVMPD alleges that this case is too complex for me to handle on my own, requiring the
6 assistance of well-known constitutional law scholar Jose DeCastro to write and file my pleadings
7 in this matter.

8 On July 26, 2023, I emailed LVMPD’s counsel and asked if they would oppose my
9 request be referred for *pro bono* assistance, or to stay the proceedings until we heard back from
10 the *pro bono* panel.

11 On July 27, 2023, LVMPD’s counsel emailed to say that they would not oppose my
12 requests to be referred for *pro bono* assistance or my motion to stay the proceedings until we
13 heard back from the *pro bono* panel.

14 **A. Unopposed request to pro bono panel.** I don’t know if my request to be referred to
15 the local *pro bono* panel will be a request for assignment of counsel under 28 U.S.C. §
16 1915(e)(1). If so, I ask this court to take notice of any well pled claims and of the video of my
17 arrest that I request judicial notice of, for proof of my success on the merits. For evidence of the
18 complexity of the case, I cite Defendant LVMPD’s own Motion saying that I’m incapable of
19 managing the complexities of this case on my own. Additionally, the enforcement of Nevada
20 State law in violation of my civil rights is a complex issue. The Defendants so far seem to be
21 arguing that they operated under reasonable articulable suspicion, and probable cause, yet my
22 rights were still violated. There is a question as to the constitutionality of the alleged “attempted
23 trespass” laws in Nevada. Additionally, Defendants seem to want to establish that a mask is an

1 element that establishes reasonable articulable suspicion of some vague crime, which no courts
2 have yet established.

3 Finally, the Defendants do not oppose my request for *pro bono* assistance.

4 **B. Unopposed Motion to Stay this proceeding.** Due to Defendants not opposing this
5 motion, they accept that they will suffer no damage or inequity. Additionally, the importance of
6 this case to civil rights matters for myself and for the public could result in grave damage to civil
7 rights if I fight this complicated matter *pro se*.

8 Additionally, I am only requesting a stay until four weeks after being assigned a *pro bono*
9 attorney, or four weeks after denial by the panel, which should not be a long time.

10 This court has the authority to stay the proceedings.

11 “The United States Supreme Court has long held that the ‘power to stay proceedings is
12 incidental to the power inherent in every court’ to control its own docket ‘with economy of time
13 and effort for itself, for counsel, and for litigants.’” *Landis v. N. Am. Co.*, 299 U.S. 248, 254
14 (1936).

15 **C. Request for Judicial Notice.** I request this court to take judicial notice of the
16 following publicly available YouTube publications, which capture the events in this action and
17 should show that my claims have merit. The video also clearly shows that the LVMPD pointed a
18 gun at me. These links represent a true and correct copy of my videos of my arrest.

19 <https://www.youtube.com/watch?v=W2wPORHfYlc>

20 https://www.youtube.com/watch?v=sN_WGQTAAqk

21 **CONCLUSION**

22 Accordingly, Plaintiff respectfully requests this Court:

23 1. Refer me to the *Pro Bono* Panel for services.

1 2. Stay the proceedings of this action until 4 weeks after I accept assignment of a pro
2 bono attorney, or four weeks after I'm denied access to a pro bono attorney

3 3. Take judicial notice of the published videos that show my unlawful detainment and
4 arrest.

5 **DECLARATION OF FLOYD WALLACE IN SUPPORT**

6 I declare under penalty of perjury, that the foregoing is true and correct.

7 DATED: August 14, 2023

Respectfully submitted,

8 Floyd Wallace

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14 *Pro Se*